

**THIRTY-FIRST DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
February 26, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

**House Bill No. 403.**

Pending business was the amendment by Senators Hill and Burns to the substitute for H. B. No. 403.

Senator Hill discussed the amendment.

**Motion to Table.**

Senator Small moved to table the amendment by Senators Hill and Burns.

The motion to table prevailed by the following vote:

**Yeas—20.**

Collie.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Poage.	Woodruff.

**Nays—4.**

Blackert.	Martin.
Hill.	Westerfeld.

**Present—Not Voting.**

Cotten.

**Absent—Excused.**

Beck.	Hughston.
Fellbaum.	Oneal.

**Absent.**

Burns.	Pace.
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**Motion for Executive Session.**

Senator Blackert asked unanimous consent that the Senate go into executive session at 11:45 o'clock a. m. today to consider Governor's nominations.

Unanimous consent was granted.

**Senate Resolution No. 49.**

Senator Woodruff asked unani-

mous consent to have S. R. No. 49 changed to S. C. R. No. 21.

Unanimous consent was granted.

**Senate Bill No. 353.**

By Senator Small.

S. B. No. 353, A bill to be entitled "An Act to define and regulate the practice of shorthand reporting; creating a State Board of Shorthand Reporting, defining its powers, providing for fees and for their disbursement, and for the examination and certification of shorthand reporters, with the designation of 'Certified Shorthand Reporters'; prescribing when examinations shall be waived; prescribing qualifications for shorthand reporters, and for other purposes; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**House Bill No. 403.**

Recurring business was H. B. No. 403.

Amend H. B. No. 403 by striking out all below the enacting clause and substituting therefor the following:

Article 4642 of the Revised Civil Statutes of 1925 is hereby amended by adding thereto another section to read as following:

"No judge of any court of this State shall ever grant a temporary injunction nor restraining order without notice and a hearing prior to granting said order, when the granting of same will be tantamount to a final order or decree with reference to the subject matter of the application or petition being presented to the said court.

MARTIN.

Read.

**Motion to Table.**

Senator Small moved to table the amendment by Senator Martin.

Motion pending.

**Motion for Previous Question.**

Senator Van Zandt moved that the previous question be ordered on the pending amendment, the substitute and H. B. No. 403.

**Points of Order.**

Senator Poage raised a point of order that the motion was out of

order as Senator Martin had the floor and had not yielded to Senator Van Zandt to make the motion.

The Chair, President Pro Tem H. M. Regan, overruled the point of order.

Senator Hill raised the point of order that the motion had not been seconded by the required member.

The Chair asked if the motion was seconded. The motion was seconded by five members.

Senator Collie raised the point of order that a motion to table was tantamount to a motion to order the previous question and that the motion to order previous question could not be made when a motion to table was pending.

Chair overruled the point of order, stating that the motion was a privileged one.

The motion to order the previous question lost by the following vote:

Yeas—2.

Duggan. Van Zandt.

Nays—24.

Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck.	Hughston.
Burns.	Oneal.
Fellbaum.	

Senator Small renewed his motion to table the amendment.

The motion to table prevailed by the following vote:

Yeas—21.

Blackert.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Pace.

Poage.
Rawlings.
Redditt.
Regan.
Sanderford.

Small.
Stone.
Van Zandt.
Woodruff.

Nays—5.

Hill.	Sulak.
Martin.	Westerfeld.
Shivers.	

Absent—Excused.

Beck.	Hughston.
Burns.	Oneal.
Fellbaum.	

Senator Martin sent up the following amendment:

Amend H. B. No. 403 by adding after the word "order" at the end of line 24, first column, page 411, Senate Journal, the following:

"Unless it be shown to the court to whom the petition for injunction or restraining order is presented that said rule regulation or order complained of in said petition presented, has previously been held invalid by some appellate court of this State or some judge of some U. S. District Court and from which no appeal has been taken by the State Railroad Commission or parties concerned in said cause."

MARTIN.

Read.

Senator Martin moved the adoption of the amendment.

Motion to Table.

Senator Small moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—21.

Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Van Zandt.
Neal.	Woodruff.
Pace.	

Nays—4.

Hill.	Sulak.
Martin.	Westerfeld.

Present—Not Voting.

DeBerry.

Absent—Excused.

Beck. Hughston.  
Burns. Oneal.  
Fellbaum.

Senator Hill sent up the following amendment:

Amend substitute by adding after word "circumstances" the following:

"Provided further, however, that when any rule, regulation, order or decree by the commission does not apply equally and uniformly throughout the State, and this is apparent on its face. No notice shall be required by the plaintiff when making an attack on the rule, regulation, order or decree."

HILL.

Read.

Motion to Table.

Senator Small moved to table the amendment.

Pending.

Motion to Recess.

Senator DeBerry at 12:15 o'clock p. m. moved that the Senate recess until 2:00 o'clock p. m.

Senate Bill No. 354.

Senator Davis received unanimous consent to send up the following bills:

By Senator Davis:

S. B. No. 354, A bill to be entitled "An Act to amend the law relating to Water Improvement Districts by amending Section 21 of Chapter 87 of the General Laws enacted by the Thirty-fifth Legislature of the State of Texas at its Regular Session, in order to better and further define the general powers of such districts by giving to such districts the powers to adopt and promulgate reasonable police ordinances or regulations, defining the limitations thereof and objects to be accomplished thereby; and embracing the facts constituting an emergency, declaring the same and providing for the immediate effectiveness of this Act."

Read.

Senator Davis moved that S. B. No. 354 be referred to the Committee on Towns and City Corporations.

The motion prevailed by viva voce vote.

Senate Bill No. 355.

By Senator Davis:

S. B. No. 355, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59 of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; conferring certain other powers thereon, including power of control, storage, preservation, use, distribution and sale of the waters of the Colorado River and its tributaries; to develop, generate, distribute and sell water power and electric energy; to acquire property by condemnation or otherwise; declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Recess.

The motion to recess prevailed by viva voce vote.

After Recess.

The Senate met at 2:00 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Feb. 26, 1935.

To the Forty-fourth Legislature.

The attached bill extends the date

of expiration of the now existing Rio Grande Compact between the States of Texas, New Mexico, and Colorado, from June 1st, 1935 to June 1st, 1937. This compact relates to the division between the signatory states, of the waters of the Rio Grande River in the States of Colorado and New Mexico, and in Texas above Fort Quitman in Hudspeth County. It is limited in operation to that portion of the Rio Grande in Texas lying north of, or above, Fort Quitman, and is inapplicable to any portion of the Rio Grande, or the waters thereof, lying below, or downstream from, Fort Quitman.

The Rio Grande Compact was drafted and ratified by the three signatory States in 1929. It preserves the present Texas rights in and to the waters of the Rio Grande above Fort Quitman, but by its own terms would expire June 1, 1935. In January of this year the members of the Rio Grande Compact Commission (Texas being represented by Major Richard F. Burges of El Paso) meeting at Santa Fe, New Mexico, unanimously voted to recommend to the Governors of the three signatory States that the life of the present Rio Grande Compact be extended to June 1, 1937. The attached bill is the form of Texas ratification for such extension. This extension would preserve the status quo and protect all existing Texas rights until June 1, 1937. I recommend the immediate ratification of the Rio Grande Compact extension by passage of the attached bill. Similar bills are to be submitted to the Legislatures of Colorado and New Mexico in the immediate future and it is highly desirable that Texas ratify the Compact extension agreement at this time.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Executive Office,

Austin, Texas, Feb. 26, 1935.

To the Senate of the Forty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the State Board of Medical Examiners for full six year terms beginning April 13, 1935:

Dr. J. T. Lawson of Bowie, Montague County;

Dr. M. M. Brown of Mexia, Limestone County;

Dr. R. H. Peterson of Wichita Falls, Wichita County;

Dr. H. F. Connally of Waco, McLennan County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### Senate Bill No. 356.

Senator Regan received unanimous consent to send up the following bill:

By Senator Regan:

S. B. No. 356, A bill to be entitled "An Act providing for the extension of the Rio Grande Compact, and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

#### House Bill No. 527.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 527, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the support and maintenance of the Texas State Parks Board for the balance of the fiscal year ending August 31, 1935, to cover the office expenses, traveling expenses, the purchase of two (2) light automobile station wagons for engineering and field parties and three (3) light sedans for inspectors, two survey instruments and field equipment for two (2) engineering parties, etc., and declaring an emergency."

On motion of Senator Redditt, the rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 527 was put on its second reading by the following vote:

## Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 527 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—26.

Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
Duggan.	Neal.
Hill.	Pace.

Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

## Nays—1.

DeBerry.

## Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

## Senate Bill No. 292.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Burns:

S. B. No. 292, A bill to be entitled "An Act making an emergency appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas; providing the purpose thereof and declaring an emergency."

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 292 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—26.

Blackert.	Pace.
Burns.	Collie.

Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Poage.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Senate Bill No. 309.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Burns:

S. B. No. 309, A bill to be entitled "An Act providing relief for the Centralia Common School District, No. 35, of Trinity County, Texas, in order to aid said school district in rebuilding its properties and equipping its school which was destroyed by cyclone which struck the community of Centralia on the 7th day of February, 1935; providing for work relief; making an appropriation to aid said district for said property, and declaring an emergency."

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 309 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Moore.
Burns.	Neal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.

Van Zandt.	Woodruff.
Westerfeld.	

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Neal.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—2.

DeBerry.	Pace.
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Absent.

Poage.

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

House Bill No. 587.

The Chair laid before the Senate by unanimous consent, the following bill:

H. B. No. 587, A bill to be entitled "An Act to amend Article 2815a, Title 49, of the Revised Statutes of the State of Texas, Revision of 1925, as amended by Acts of 1927, Fortieth Legislature, page 124, Chapter 82, Section 1, and declaring an emergency."

On motion of Senator Moore, the rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 587 was put on its second reading by the following vote:

Yeas—27.

Blackert.	Collie.
Burns.	Cotten.

Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Pace.	Woodruff.
Poage.	

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 587 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Motion for Executive Session.

Senator Blackert, at 2:30 o'clock, moved that the Senate do now go into executive session.

Substitute Motion.

Senator Woodruff moved as a substitute that the Senate go into executive session at 3:00 o'clock p. m. today.

The substitute motion prevailed by viva voce vote.

House Bill No. 403.

Recurring business was H. B. No. 403.

The pending motion of Senator Small to table the amendment by Senator Hill to H. B. No. 403 prevailed by the following vote:

Yeas—14.

Blackert.	Neal.
Davis.	Poage.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.

Nays—8.

Burns.	Martin.
Cotten.	Pace.
DeBerry.	Shivers.
Hill.	Westerfeld.

Absent.

Collie.	Sulak.
Rawlings.	Van Zandt.
Redditt.	

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

Senator Hill sent up the following amendment:

Amend Section 10 by adding after the words:

"Except after notice to the commission" the words

"Or any of its agents, servants or employees."

HILL,  
BURNS.

Withdrawn by unanimous consent.

Senator Small sent up the following amendment:

Amend H. B. No. 403 by striking out in line 9, page 526, Senate Journal, the following: "in the manner provided by law," and adding the following: "by delivering a copy of such citation to the commission or any member thereof, or to the secretary thereof, or by delivering a copy of the citation at the main office of the Railroad Commission at the Capitol in Travis County during office hours."

MOORE,  
SMALL.

Read and pending.

Senator Woodruff sent up the following amendment:

Amend pending Small amendment to H. B. No. 403 by striking out "or by delivering at the office of the Railroad Commission during office hours."

WOODRUFF.

Read.

Senator Woodruff moved the adoption of the amendment to the pending amendment.

The motion prevailed by viva voce vote.

The amendment by Senator Small as amended was adopted.

Senator Small sent up the following amendment:

Amend H. B. No. 403, as amended by adding the word "such" between the words "any" and "character" in the last line column 1, page 526, Senate Journal Feb. 25, 1935.

SMALL.

Read and adopted.

#### Executive Session.

At 3 o'clock p. m., the Chair announced the hour for executive session had arrived, the chamber was cleared and the doors were locked.

#### After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appoint-

ments, have had the same under consideration, and I, as vice-chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be members of the State Board of Dental Examiners:

Dr. R. T. Weber, of Travis County (reappointment).

Dr. B. Carl Holder, of Nueces County.

Dr. Edward Taylor, of Hunt County.

Dr. J. B. Landers, of Potter County.

Dr. J. D. Ellington, of Nacogdoches County.

To be a member of the Board of Medical Examiners:

Dr. O. B. Kiel, of Wichita County.

BLACKERT, Vice-Chairman.

Adopted.

#### Senate Called to Order.

The Senate was called to order at 3:35 o'clock p. m., by Lieutenant Governor Walter F. Woodul.

#### House Bill No. 403.

Recurring business was H. B. No. 403.

#### Point of No Quorum.

Senator Hill raised the point of order that there was no quorum present.

The Chair ordered the Secretary to call the roll.

The roll call disclosed a quorum present.

On motion of Senator Small H. B. No. 403 as amended passed to third reading by the following vote:

Yeas—22.

Blackert.  
Collie.  
Cotten.  
Davis.  
DeBerry.  
Duggan.  
Holbrook  
Hopkins.  
Hornsby.  
Moore.  
Neal.

Pace.  
Poage.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Van Zandt.  
Woodruff.

Nays—3.

Hill.  
Martin.

Westerfeld.



**Absent.**

Rawlings.

**Absent—Excused.**Fellbaum.  
Hughston.

Oneal.

**(Pair Recorded.)**

Senator Burns (present) who would vote nay, with Senator Beck (absent) who would vote yea.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 403 was put on its third reading and final passage by the following vote:

**Yeas—23.**

Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Woodruff.
Neal.	

**Nays—2.**

Hill. Westerfeld.

**Present—Not Voting.**

Martin.

**Absent.**

Rawlings.

**Absent—Excused.**Beck. Hughston.  
Fellbaum. Oneal.

Read third time and finally passed by the following vote:

**Yeas—21.**

Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Moore.	Van Zandt.
Neal.	Woodruff.
Pace.	

**Nays—3.**Hill.  
Martin.

Westerfeld.

**Absent.**

Blackert.

Rawlings.

**Absent—Excused.**Fellbaum.  
Hughston.

Oneal.

**(Pair Recorded.)**

Senator Burns (present) who would vote nay, with Senator Beck (absent) who would vote yea.

**Resolution Signed.**

The Chair Lieutenant Governor Walter F. Woodul gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:  
H. C. R. No. 40.

**Senators Excused.**

Senator Hughston was excused for the day on account of important business on motion of Senator Duggan.

**Message from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 527, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the support and maintenance of the Texas State Parks Board for the balance of the fiscal year ending August 31, 1935, to cover the office expenses traveling expenses, the purchase of two (2) light automobile station wagons for engineering and field parties and three (3) light sedans for inspectors, two survey instruments and field equipment for two (2) engineering parties, etc., and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act to amend Article 2815a, Title 49, of the Revised Statutes of the State of Texas, Revision of 1925, as amended by Acts of 1927, Fortieth Legislature, page 124, Chapter 82, Section 1, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Referred.

H. B. No. 587, referred to the Committee on Educational Affairs.

H. B. No. 527, referred to the Committee on Finance.

#### Senate Resolution No. 23.

Senator Moore received unanimous consent to take up S. R. No. 23.

The Chair laid before the Senate S. R. No. 23, Providing for the purchase of a portrait of the Hon. Jesse Holman Jones.

The committee amendment was adopted.

On motion of Senator Moore S. R. No. 23 as amended was adopted by viva voce vote.

#### Recorded Vote.

We vote "No" on the adoption of S. R. No. 23.

POAGE,  
DeBERRY,  
SULAK.

#### Motion to Adjourn.

Senator Hopkins at 3:50 o'clock p. m., moved that the Senate adjourn  
Motion pending.

#### Senate Bill No. 357.

Senator Neal received unanimous consent to send up the following bill:

By Senator Neal:

S. B. No. 357, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, or which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city coun-

cil, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to cities having a population of not less than one thousand one hundred (1,100) and not more than one thousand two hundred and fifty (1,250) inhabitants, according to the last preceding United States census; and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

#### Statement.

Senator Duggan received unanimous consent to send up and have printed in the Journal the following statement:

State of Texas

County of Travis

Before me, the undersigned authority, on this day personally appeared Arthur P. Duggan, a resident credible citizen of Lamb County, Texas, who being by me duly sworn, on oath deposes and says:

I am the duly elected, qualified and acting State Senator from the 30th Senatorial District of Texas.

My business for the past twenty years has been that of controlling and handling property, of my own and others, particularly real estate. My living comes entirely from that source, from rents and from the returns of a few investments made in better days than now.

Since I do not practice law I have no clients and no retainer fees of any kind or description. I am not on the pay roll of any company or individual.

My sole obligation is to serve the people of my district and State to the very best of my ability.

Given under my hand at Austin, Texas, this the 26th day of February, A. D., 1935.

ARTHUR P. DUGGAN.

Sworn to and subscribed before me this the 26th day of February, A. D., 1935.

(Seal)

BESSIE L. PIERCE,  
Notary Public in and for Travis  
County, Texas.

**Senate Bill No. 50.**

The Chair laid before the Senate on its second reading by unanimous consent:

By Senator Regan:

S. B. No. 50, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School District of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion of the Eagle Pass Independent School District of 1934; making appropriation of eighty-five hundred (\$8,500.00) dollars to said district for said purposes, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment by the following vote:

Yeas—13.

Burns.	Rawlings.
Cotten.	Regan.
Davis.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Martin.	Woodruff.
Moore.	

Nays—12.

Collie.	Poage.
DeBerry.	Redditt.
Hill.	Sanderford.
Hornsby.	Sulak.
Neal.	Van Zandt.
Pace.	Westerfeld.

Absent.

Blackert. Duggan.

Absent—Excused.

Beck.	Hughston.
Fellbaum.	Oneal.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 50 was put on its third reading and final passage by the following vote:

Yeas—22.

Burns.	Davis.
Collie.	Duggan.
Cotten.	Holbrook.

Hopkins.  
Martin.  
Moore.  
Neal.  
Pace.  
Poage.  
Rawlings.  
Redditt.

Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Van Zandt.  
Westerfeld.  
Woodruff.

Nays—3.

DeBerry.  
Hornsby.

Sulak.

Absent.

Blackert.

Absent—Excused.

Beck.  
Fellbaum.  
Hill.

Hughston.  
Oneal.

Senator Redditt sent up the following amendment:

Amend S. B. No. 50, page 2, line 56, by striking out the following words: "any money in the State Treasury not otherwise appropriated"; and substituting the following: "the available school fund of the State of Texas created by statute only."

REDDITT.

Read.

Point of Order.

Senator Small raised the point of order that the amendment was out of order, because the State available school fund could not be used for any purpose other than apportionment.

The Chair Senator Rawlings presiding overruled the point of order.

The amendment by Senator Redditt was adopted by the following vote:

Yeas—22.

Blackert.	Poage.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Pace.	Woodruff.

Nays—1.

Collie.

**Present—Not Voting.**

DeBerry.

**Absent—Excused.**

Beck.	Martin.
Fellbaum.	Oneal.
Hill.	Stone.
Hughston.	

Read third time as amended and finally passed by the following vote:

**Yeas—19.**

Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Pace.	

**Nays—7.**

Blackert.	Poage.
Collie.	Sanderford.
DeBerry.	Sulak.
Hill.	

**Absent—Excused.**

Beck.	Martin.
Fellbaum.	Oneal.
Hughston.	

**Senate Bill No. 50.**

Senator Rawlings moved that the Constitutional Rule (as specified in Section 39, Article 3) be suspended as to S. B. No. 50, and that said Bill shall take effect from and after its passage and said vote be taken by yeas and nays and entered in the Journal.

**Points of Order.**

Senator Van Zandt raised a point of order that the motion was out of order, being improper and not a rule that could be suspended.

Pending.

Senator Collie raised the point of order that the time had expired for the discussion of the point of order.

Pending.

**Motion to Recess.**

Senator Hopkins at 5:10 o'clock p. m. moved that the Senate recess

until 10:00 o'clock a. m. Wednesday.  
The motion prevailed by viva voce vote.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 292 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 309 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. R. No. 17,

Have had the same under consideration and are instructed to report to the Senate a corrected substitute for said Resolution, submitted by the author, and recommend that the same be passed and be printed in lieu of the original.

BLACKERT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 192, A bill to be entitled "An Act regulating primary elections and nominations of political parties in this State, and declaring an emergency."

Have had the same under consideration and beg leave to report it favorably to the Senate with the recommendation that it do pass and be not printed for the reason that same has had an advance printing.

VAN ZANDT, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 333, A bill to be entitled "An Act relating to the setting trial and appeal of workman's compensation cases; providing that such cases shall take precedence on the docket and the trial and appellate courts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 226, A bill to be entitled "An Act amending Article 6820, Title 117, Revised Civil Statutes of Texas, 1925, relating to expense accounts of district judges and district attorneys when engaged in the discharge of their duties in any county of this State other than the county of their residence; providing what expenses shall be allowed and the manner in which they shall be paid upon sworn and itemized account of such officer remitting the amount of such expenses, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendment, and be printed.

REDDITT, Chairman.

#### Committee Amendment.

Amend S. B. No. 226 by striking out all of Section 1 and adding in lieu thereof the following:

Section 1. That Article 6820, Title 117, Revised Civil Statutes of Texas, 1925, be amended to hereafter read as follows:

Article 6820. From and after September 1, 1935, the District Judge and District Attorney of each judicial district containing more than one county, shall severally be entitled to an expense allowance, in no case to exceed Six Hundred Dollars per annum, to be computed at the rate of Twenty-five Dollars per week for

each week such judge or district attorney may be required by law to hold or attend court in the county or counties comprising such district other than the county of the residence of such judge or district attorney. When this Act becomes effective each judge and district attorney then in office shall file a statement with the Comptroller of Public Accounts showing the county of his residence, the counties comprising his district, and the number of weeks he may be required to hold court in counties other than that of his residence. As and when new judges and district attorneys assume the duties of office, a similar statement shall be filed by such officers. On receipt of such statement the Comptroller shall compute the expense allowance and allocate same on a monthly basis and shall from month to month pay to each District Judge and each District Attorney the monthly expense allowance due hereunder.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 3 A joint resolution Proposing an amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20a to 20e, both inclusive, providing for a local option on the question of the sale of intoxicating liquors for beverage purposes, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

#### Committee Amendment.

"Amend S. J. R. No. 3, by inserting in Section 2, line 4 thereof, the date of the election as follows: 'the fourth Saturday in August, 1935.'"

BLACKERT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the general revenue fund of the State of Texas for

the State Department of Education for the balance of the fiscal year ending August 31, 1935; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for said bill do pass and be printed in lieu of the original bill.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 21, Relating to the State's claims for refunds of certain arresting and mileage fees paid to sheriffs.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 269, A bill to be entitled "An Act making an appropriation of \$2500.00 to make necessary repairs upon the administration building at West Texas State Teachers College, and \$7500.00 for materials to construct and finish a men's dormitory now under construction, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. K. M. Regan, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 166, A bill to be entitled "An Act to amend Article 838 of Chapter 8, Title 22, Revised Statutes 1925, requiring all counties, cities, towns, school districts and improvement districts to file annual reports with the State Comptroller relating to their finances, debts, obligations, sinking funds, taxable values and

other resources; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 587, A bill to be entitled "An Act to amend Article 2815-a, Title 49, of the Revised Statutes of the State of Texas, Revision of 1925,

as amended by Acts of 1927, Fortieth Legislature, Page 124, Chapter 82, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUGGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 527, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the support and maintenance of the Texas State Parks Board for the balance of the fiscal year ending August 31, 1935, to cover the office expenses, traveling expenses, the purchase of two (2) light automobile station wagons for engineering and field parties and three (3) light sedans for inspectors, two survey instruments and field equipment for two (2) engineering parties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Min-

ing, Irrigation and Drainage, to whom was referred

S. B. No. 227, A bill to be entitled "An Act prescribing additional duties of the State Reclamation Engineer, providing for an Advisory Committee to advise with the State Reclamation Engineer, granting the State Reclamation Engineer authority to employ a secretary, authorizing said State Reclamation Engineer to accept gifts, grants, donations, advances and services from the United States, or any other Governmental Agency, and to allocate the same to the several counties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but committee substitute do pass in lieu thereof and only committee substitute be printed.

REGAN, Chairman.

#### Minutes of Committee Meetings.

##### Minutes of Meeting of Committee on Penitentiaries.

The Senate Committee on Penitentiaries met in Joint Session with the House Committee on Penitentiaries at 7:30 p. m., Monday, February 25, 1935.

Those Senators present were: Holbrook, Chairman; Burns, Vice-Chairman; DeBerry, Duggan, Hopkins, Pace, Rawlings, Redditt, Regan, Hill, Shivers and Sulak.

Senator Beck was excused on motion of Senator Redditt.

S. B. No. 145 was brought before the committee and after discussion it was moved by Senator Burns that the committee take no action on the bill and that they recess subject to call by the chairman. The motion was seconded by Senator Regan and there being no dissenting vote the motion prevailed.

HOLBROOK, Chairman.

##### Minutes of Senate Finance Committee, Held February 25, 1935, Regular Meeting.

Present: Redditt, Burns, Duggan, Hill, Holbrook, Hopkins, Hornsby, Hughston, Neal, Poage, Rawlings, Regan, Sanderford, Small, Stone, Sulak, Van Zandt and Woodruff.

Absent-excused: Beck, O Neal and Martin.

S. B. No. 234 was reported unfavorably, with favorable committee substitute.

S. B. No. 226, reported favorably with amendment.

S. C. R. No. 21, reported favorably.

S. B. No. 269, reported favorably.

NOEL K. BROWN, Secretary.

##### Minutes of Committee on Insurance Held February 26, 1935, Regular Meeting.

Present: Collie, Cotten, DeBerry, Holbrook, Moore, Pace, Poage, Rawlings, Shivers, Sulak, Westerfeld and Woodruff.

Absent: Hughston, excused on account of important business.

S. B. No. 177 set for hearing Thursday, March 7th, at 4:00 p. m.

S. B. No. 275 set for hearing Tuesday night, March 5th, at 7:30.

S. B. No. 139 set for hearing Tuesday night, March 5th, at 7:30.

S. B. No. 333 was reported favorably by the following vote:

Yeas: Cotten, Moore, Rawlings, Shivers, Sulak, Westerfeld and Woodruff.

Nays: Collie, DeBerry and Holbrook.

Pace and Poage, absent; Hughston, absent (excused).

BILL GEORGE, Secretary.

##### Minutes of Committee on Constitutional Amendments, Held February 25, 1935.

Pursuant to announcement the Committee on Constitutional Amendments met in open hearing on Monday, February 25, 1935, at 3:00 p. m., to take up and consider S. J. R. No. 3, being the prohibition repeal amendment.

The following members were present: Blackert, Chairman; Moore, Vice-Chairman; DeBerry, Hopkins, Holbrook, Hornsby, Rawlings, Hill, Sulak and Van Zandt.

Senator O'Neal was excused on account of being in Washington on official business, and Senator Martin was absent.

Senator Moore, the author of the amendment, explained same and offered an amendment setting the date on which the election is to be held as the fourth Saturday in August, 1935. Senator Hill made a motion to substitute for Moore's amendment

that the election be held in July, 1936. This was tabled and Senator Moore's amendment was adopted by the committee.

Senator Hornsby moved that the Resolution be reported back to the Senate with the recommendation that it do pass and be printed, which motion was unanimously adopted by the committee, there being ten yeas and no nays.

Respectfully submitted,  
BLACKERT, Chairman.

Minutes of a Meeting of the Senate  
Committee on Labor, Held  
February 25, 1935.  
Stated Meeting.

Present: Rawlings, Shivers, Small, Woodruff, Poage, Sanderford, Cotten, Davis, Sulak and Westerfeld.

Absent: Blackert, Fellbaum and O'Neal (excused).

H. B. No. 115 postponed for special hearing Monday, March 4.

S. B. No. 253 postponed for further hearing Monday, March 4.

JACQUE BARCUS, Secretary.

### THIRTY-FIRST DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
February 27, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

#### Senate Bill No. 50.

Pending business was Senator Rawlings' motion to suspend the rule on S. B. No. 50 and Senator Van Zandt's point of order on the motion.

#### Laid on Table.

The motion was laid on the table, pending the arrival in the Senate of the Senate Journals of yesterday.

#### H. C. R. No. 32.

The Chair laid before the Senate, on second reading, H. C. R. No. 32:

By Mr. Reed of Dallas:

Memorializing Congress to pass an act relative to fair competition between rail and steamship lines in the transportation of transcontinental traffic, etc.

On motion of Senator Rawlings, H. C. R. No. 32 was laid on the table subject to call.

#### H. C. R. No. 24.

The Chair laid before the Senate, on second reading, H. C. R. No. 24:

By Mr. Bradbury:

Relating to the endorsement of the program of policies of the National Administration in regard to public utilities.

On motion of Senator Collie, H. C. R. No. 24 was adopted.

#### H. C. R. No. 37.

The Chair laid before the Senate, on second reading, H. C. R. No. 37:

By Mr. McKee:

Declaring the intent of the Legislature of Texas in the matter of the time for distribution of certain funds accruing under the Racing Law due the Public Free School Fund.

On motion of Senator Shivers, H. C. R. No. 37 was laid on the table subject to call.

#### H. C. R. No. 32.

Senator Regan called from the table H. C. R. No. 32, which had been laid on the table subject to call.

The Chair laid before the Senate by unanimous consent H. C. R. No. 32.

Senator Regan moved the adoption of H. C. R. No. 32.

Senator DeBerry moved that H. C. R. No. 32 be laid on the table subject to call.

#### Motion to Indefinitely Postpone.

Senator Woodruff moved as a substitute that H. C. R. No. 32 be indefinitely postponed.

Senator Woodruff received unanimous consent to discuss the resolution for one minute.

#### Motion to Table.

Senator Regan moved to table the motion to indefinitely postpone.

The motion to table prevailed by the following vote:

Yeas—17.

Blackert.	Hughston.
Cotten.	Moore.
Davis.	Pace.
Hill.	Poage.
Hornsby.	Rawlings.



Redditt.	Stone.
Regan.	Sulak.
Sanderford.	Van Zandt.
Small.	

Nays—7.

Burns.	Shivers.
DeBerry.	Westerfeld.
Holbrook.	Woodruff.
Neal.	

Present—Not Voting.

Collie.

Absent.

Duggan. Hopkins.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Oneal.

Senator DeBerry's motion to lay on the table subject to call prevailed by viva voce vote.

#### Senate Bill No. 50.

Senator Rawlings withdrew his pending motion "That the constitutional rule (as specified in Section 39, Article 3) be suspended as to S. B. No. 50, and that said bill shall take effect from and after its passage and said vote be taken by yeas and nays and entered in the Journal."

#### Senate Resolution No. 55.

Senator Holbrook sent up Senate Resolution No. 55 memorializing Dr. Stockton Axson.

Senator Moore requested that the names of all the Senators be added.

Senator Holbrook moved the adoption of S. R. No. 55 without reference to a committee. The motion prevailed and S. R. No. 55 was unanimously adopted by a rising vote.

#### Motion for Executive Session.

Senator Blackert at 11:05 a. m. moved that the Senate go into executive session today at 11:30 o'clock.

The motion prevailed by viva voce vote.

#### Senate Bill No. 70.

Senator Rawlings called from the Journal his motion to print S. B. No. 70 on minority report.

#### Motion to Order Previous Question.

Senator Woodruff moved that the previous question be ordered on further discussion of S. B. No. 70.

The motion was not seconded by the required number.

Senator Rawlings explained the bill.

#### Point of Order.

Senator Van Zandt raised the point of order that Senator Rawlings' time had expired in discussion of the bill.

Senator Moore asked unanimous consent that Senator Rawlings' time be extended indefinitely.

Unanimous consent was granted. Senator Westerfeld had the floor on the discussion of S. B. No. 70.

#### Executive Session.

At 11:50 o'clock a. m. the Chair announced the hour for executive session had arrived, the chamber was cleared and the doors locked.

#### After Executive Session.

The Secretary of the Senate informed the Journal clerk that the following action had been taken in executive session:

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had the same under consideration, and I, as vice-chairman of said committee, am instructed to report these appointments back to the Senate with the recommendation that they be in all things confirmed.

To be members of the State Board of Medical Examiners:

Dr. J. T. Lawson of Bowie, Montague County.

Dr. M. M. Brown of Mexia, Limestone County.

Dr. R. H. Peterson of Wichita Falls, Wichita County.

Dr. H. F. Connally of Waco, McLennan County.

BLACKERT, Vice-Chairman.

Adopted.

#### Senate Called to Order.

The Chair called the Senate to order at 11:55 o'clock a. m.

**Message from the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
Austin, Texas, Feb. 27, 1935.  
To the Senate of the 44th  
Legislature:

Heretofore I submitted to you for confirmation on the State Board of Dental Examiners, among others, the name of Dr. Ira Kohler, of Houston, Harris County. Since that time, however, Dr. Kohler has advised me that he does not wish to accept the appointment, and I therefore respectfully ask that his name be withdrawn.

In the place of Dr. Kohler, I ask the advice, consent and confirmation of the Senate to the appointment of Dr. R. F. Nix, of Lamesa, Dawson County.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

Read.

Senator Moore moved that the Governor's request be granted and the name of Dr. Kohler withdrawn.

The motion prevailed by viva voce vote.

The name of Dr. R. F. Nix was referred to the Committee on Governor's Nominations.

**Bills and Resolutions Signed.**

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 1.	H. C. R. No. 11.
H. B. No. 225.	H. C. R. No. 28.
H. B. No. 527.	H. C. R. No. 38.
H. B. No. 587.	H. C. R. No. 40.

**Resolution Referred.**

H. C. R. No. 41 was referred to the Committee on Federal Relations.

**Senate Bill No. 170.**

Set for Special Order.

Senator Redditt moved that S. B. No. 170 be set for special order Thursday after the morning call.

The motion prevailed by viva voce vote.

**Messages from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

By Mr. Petsch:

H. C. R. No. 41, Commending the President and the Congress relative to relief policies.

By Mr. McConnell:

H. C. R. No. 42, Providing for a joint session of the House and Senate on March 2 at 11 o'clock a. m. to celebrate Texas Independence Day.

Respectfully Submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 90, A bill to be entitled "An Act providing for the issuance of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of Texas Relief Bonds, Fourth Series, under Section 51-a, of Article 3 of the Constitution of the State of Texas; providing the terms of the bonds, and the method of sale thereof by the Texas Bond Commission; providing for the disposition of the proceeds of the sale of said bonds; prohibiting borrowing in anticipation of future issuance of bonds and defining such act as high crime and misdemeanor; providing a method of retirement of said bonds and the interest thereon and making an appropriation therefor; providing for the destruction of issued and unsold bonds and of redeemed bonds and the transfer of any unused moneys derived from the sale of said bonds to the Texas Relief Bond Sinking Fund, Fourth Series; appropriating the proceeds of the sale of said bonds to the State Board of Control, and abolishing the Texas Relief Commission created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature; providing for the State Board of Control taking over

the administration of relief work, prescribing its powers and duties; and making appropriation for additional salaries, employees, and other necessary expense; providing that no bonds shall be sold after August 26, 1935; providing for appointment of Chief of Relief Division of the State Board of Control, an assistant director and other employees, county boards, their membership, and their employees, and making an appropriation; specifying the way and manner in which said moneys shall be expended, providing for rules and regulations for the handling of said funds and the powers of the State Board of Control with reference thereto; providing for the distribution of funds; making appropriation for the printing, engraving, signing, advertisement, sale and other expenses incident to the sale of said bonds; providing that no commission shall be paid on the sale of said bonds; authorizing filing of suit in case of default in payment; providing for rules and regulations for handling certain funds for county or municipal projects; authorizing county administrators to place persons temporarily upon county relief rolls; prohibiting appointees or employees under this Act from engaging in political campaigns; providing that no physically fit person who has refused employment at the prevailing wage scale shall be granted relief by the county administrator; directing the State Board of Control to seek cooperation of the Federal Relief Agency in regard to rules and regulations applicable to expenditures of relief funds; providing for expenditure of certain funds for hospital services; providing for expenditures of certain funds for hospitalization of indigent tubercular patients; providing for expenditure of certain funds for distribution of food and/or clothing; authorizing the State Board of Control to accept and administer Federal funds; prohibiting expenditure of any relief funds for the benefit of any person who has not been a bona fide resident of the State of Texas for a period of one (1) year; providing the method of disbursing relief bond funds; prohibiting expenditure of relief bond funds in payment of salary to any employee of the Texas Relief Division of the State Board of Control who is related in the second degree to the head of any department, member of the Legislature or to any member or employee of the State Board of Control;

providing that this provision shall not apply to persons now employed by the Texas Relief Commission; prohibiting the misappropriation of relief funds, the making of false reports concerning such funds, or knowingly and unlawfully distributing or expending any of said funds, defining such act as a felony and prescribing a penalty; prohibiting the wilful making of a false statement in order to procure relief funds, defining such act as a misdemeanor and prescribing a penalty; authorizing the members of the State Board of Control, the Director and Assistant Director to administer oaths relative to discharge of their duties, or in inquiry thereto; providing that false swearing in connection therewith shall be punishable under the provisions of the Penal Law applicable to false swearing; providing that if any section, clause or sentence of this Act is held unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### Senate Bill No. 90

Senator Hornsby moved that the Senate refuse to concur in House amendments to S. B. No. 90 and that a Conference Committee be appointed to adjust the differences between the House and the Senate.

The motion prevailed.

#### Conference Committee Appointed.

The Chair, Lieutenant Governor Walter F. Woodul, appointed Senators Hornsby, Poage, Van Zandt, Rawlings and DeBerry as conferees on the part of the Senate on S. B. No. 90.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses

on S. B. No. 90. The following are conferees on the part of the House: Tennyson, Hankamer, Pope, James and Lanning.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 42.

The Chair laid before the Senate H. C. R. No. 42:

By Mr. McConnell:

Providing for a joint session of the House and Senate on March 2, at 11 o'clock a. m., to celebrate Independence Day.

Senator Westerfeld moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 42 be taken up and considered at this time. The motion prevailed.

H. C. R. No. 42 was adopted by viva voce vote.

#### Committee Appointed.

The Chair appointed Senators Westerfeld, Hill and Van Zandt to the part of the Senate for the joint session of the House and Senate on March 2.

#### Senate Bill No. 200.

Senator Woodruff asked unanimous consent to withdraw S. B. No. 200 from the Committee on Counties and County Boundaries.

Unanimous consent was granted.

On motion of Senator Woodruff and by unanimous consent, S. B. No. 200 was withdrawn from the Senate.

#### Recess.

On motion of Senator Woodruff the Senate at 12:00 o'clock noon recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m. and was called to order by President Pro Tem K. M. Regan.

#### Senate Bill No. 70.

Recurring business was Senator Rawlings' motion to print on minority report S. B. No. 70.

The motion to print on minority report lost by the following vote:

#### Yeas—8.

Burns.	Poage.
DeBerry.	Rawlings.
Hornsby.	Westerfeld.
Neal.	Woodruff.

#### Nays—18.

Collie.	Moore.
Cotten.	Pace.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hughston.	Sulak.
Martin.	Van Zandt.

#### Absent.

Blackert.	Shivers.
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#### Absent—Excused.

Beck.	Oneal.
Fellbaum.	

#### Senate Bill No. 70.

#### Reasons for Vote.

I voted to print S. B. No. 70 on minority report because I wanted the subject-matter of such bill considered by the Legislature at this time. I do not think that the load limit should be raised to fourteen thousand pounds. In fact, I doubt the wisdom of substantially raising the load limit. I believe, however, that the law should be changed so as to base the load limit on gross weight rather than top load. Under the present law a truck or bus can be operated on the State highway weighing an unlimited amount, just so the load carried by such vehicle is not over seven thousand pounds. In other words, a bus can weigh fifteen tons just so they do not carry over seven thousand pounds of passengers. Under the present law fourteen thousand pounds can be hauled on lateral roads and highways just so they do not pass a railroad station or shipping point. This should be changed. Under the present law a truck may haul as much on four wheels with narrow tires as on a truck and trailer with six, eight and ten wheels. This is unsound and should be changed. The Legislature should write a stringent regulatory truck and bus bill taking into consideration the right of the railroad, the right of the trucks, the type of the highways and the preservation of same, the safety of the traveling public, most of all, the rights and interest of the general public.

DeBERRY.

**House Bill No. 445.**

Senator Hill received unanimous consent to take up out of regular order H. B. No. 445.

By Mr. Gibson and Mr. Latham:

H. B. No. 445, A bill to be entitled "An Act amending House Bill No. 226, Section 9, enacted by the Regular Session of the Forty-fourth Legislature providing for the terms of the Special District Court of Gregg County, Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 445 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Burns.	Neal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

**Absent.**

Blackert.	Small.
Shivers.	

**Absent—Excused.**

Beck.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

**Yeas—25.**

Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Hughston.
Davis.	Martin.
Duggan.	Moore.
Hill.	Neal.
Holbrook.	Pace.

Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.
Small.	

**Absent.**

Blackert.	Shivers.
DeBerry.	

**Absent—Excused.**

Beck.	Oneal.
Fellbaum.	

**Senate Bill No. 321.**

Senator Stone asked unanimous consent to take up out of its regular order S. B. No. 321.

There was objection.

Senator Stone moved to suspend the constitutional rule and take up out of its regular order S. B. No. 321.

The Chair, Lieutenant Governor Walter F. Woodul, ruled the motion out of order as it was House bill day.

**Adjournment.**

On motion of Senator Poage the Senate at 5:35 o'clock p. m. adjourned until 10:00 o'clock a. m. Thursday.

**APPENDIX.****Petitions and Memorials.**

Thanking you for your kind sympathy expressed in the beautiful flowers received.

Mr. and Mrs. Wallace Hughston.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 50 carefully examined and compared and find same correctly engrossed.  
DAVIS, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 304, A bill to be entitled "An Act amending Article 2375, Chapter 1, Title 45 of the Revised Civil Statutes 1925, providing and adding to said Article a provision that where any justice precinct is situated in whole or in part in any city of 50,000 inhabitants or more the Justice of the Peace therein to be eligible shall hold license to practice law; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 445, A bill to be entitled "An Act amending H. B. No. 226, Section 9, enacted by the Regular Session of the Forty-fourth Legislature providing for the terms of the Special District Court of Gregg County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 308, A bill to be entitled "An Act amending Chapter 1 of Title 42 of the Revised Civil Statutes of the State of Texas, so as to add thereto an article to be known as Article 2001-a, providing for supplemental pleadings by parties concerning exceptions, denials, and allegations in reply to pleadings, and concerning allegations of new facts and the consideration of such supplemental pleadings in connection with prior pleadings of the parties and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 242, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, as amended by Act of the Forty-third Legislature, approved March 10, 1933, relating to the administration to the affairs of private corporations in receivership, by providing that corporations organized and existing under Section 68 of Article 1302, Chapter One of Title 32, and under Title 112, of the Revised Civil Statutes of Texas, shall be exempt from certain of its provisions; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 111, A bill to be entitled "An Act regulating and fixing the rights of parties to contracts or conveyances executed by persons at the time who are of unsound mind or otherwise incompetent, where no adjudication of incompetency has been made by a court of competent jurisdiction, and, also, where such adjudication has been made but no lawful guardian of the estate has been appointed; providing for the filing in the deed records of each county where such incompetents own, or have any interest in or lien upon land, of a copy of the order of the adjudication; providing for the duty of the court and clerk with respect to the filing of such order, fixing the cost and fee thereof; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 39, A bill to be entitled "An Act amending Section 1 of Chapter 7 of the Acts of the Regular Session of the Forty-first Legislature so as to limit the right to continue suits and probate matters pending in the courts of the State to civil and probate actions in which a member of the Legislature is either a party or has been or in which no one other than a member of the Legislature has been retained as attorney of any session of the Legislature and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the attached Committee Substitute pass in lieu thereof and that the original bill be not printed.

SMALL, Chairman.

C. S. S. B. No. 39.

#### A BILL

##### To Be Entitled

An Act to amend Section 1, Chapter 7, Acts of the Regular Session of the Forty-first Legislature, Page 17; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

That Section 1 of Chapter 7, Acts of the Regular Session of the Forty-first Legislature of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. In all suits, either civil or criminal, or in matters of probate, pending in any court of this State at any time the Legislature is in session, it shall be sufficient ground for a continuance of such cause if it shall appear to the court, by affidavit, that any party applying for such continuance, or any attorney for any party to such cause, is a member of either branch of the Legislature, and is in actual attendance on a session of the same, and that the presence of party or attorney is necessary to a fair and proper trial of the cause. Where a party to any cause is a member of the Legislature, his affidavit need not be corroborated; but where a continuance is sought by reason of the fact that an attorney for any party is a member of the Legislature, such affidavit shall be made by both the party and his said attorney. On the filing of such affidavit, the court shall continue the cause until ten days after the adjournment of the Legislature, and such affidavit shall be proof of the necessity for

such continuance, and such continuance shall be deemed one of right and shall not be charged against the Defendant upon any subsequent application for continuance. Provided, however, that where a motion for continuance is filed on the ground that the attorney is a member of the Legislature and is in actual attendance upon the session thereof, if it shall appear that the pending cause was filed prior to the convening of the session, and that such attorney was employed after the session was convened, the court may, within its discretion, overrule said motion, if it shall appear that such employment was not in good faith or was for the purpose of securing a postponement of the cause; otherwise, the continuance shall be granted as herein provided."

Sec. 2. The fact that important litigation is being delayed and hampered by the practice of certain defendants in this State of employing members of the Legislature as attorneys with the apparent purpose of securing continuances creates an emergency, and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days, and the constitutional rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 268, A bill to be entitled "An Act to amend Article 8120 of the Revised Civil Statutes of the State of Texas, 1925, so as to provide a method for fixing the compensation of the Commissioners of Drainage Districts, requiring reports from the commissioners of such drainage districts, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 285, A bill to be entitled "An Act declaring that it was not the intention of the Forty-third Legislature of Texas in enacting S. B. No. 546, passed at the Regular Session of the Forty-third Legislature, or in enacting Section 7 of S. B. No. 546, passed at the Regular Session of the Forty-third Legislature, to provide that there should never be more than \$466,000.00, par value of bonds issued out of the \$950,000.00, par value of the bonds authorized by the vote taken in Cameron County Water Control and Improvement District Number Nineteen and validated in said Act, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 353, A bill to be entitled "An Act to define and regulate the practice of shorthand reporting; creating a State Board of Shorthand Reporting; defining its powers, providing for fees and their disbursement, and for the examination and certification of shorthand reporters, with the designation of "Certified Shorthand Reporter"; prescribing when examinations shall be waived; prescribing qualifications for shorthand reporters, and for other purposes; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendment.

SMALL, Chairman.

## Committee Amendment.

Amend Section 5 by adding:

Provided that the Board shall issue certificate without examination, to any applicant who submits satisfactory proof that he has been actively and continuously engaged as an official shorthand reporter in this State for not less than ten years preceding passage of this Act."

## Minutes of Committee Meetings.

Minutes of Committee on Privileges and Elections, Held February 25, 1935. Stated Meeting.

Present: Van Zandt, Poage, Collier, DeBerry, Hughston and Neal.

Absent: Beck, Martin and Shivers.

S. B. No. 192 was favored unanimously.

FRANCES BASS, Secretary.

Minutes of Committee on Mining, Irrigation and Drainage, Held

Feb. 26, 1935. Stated Meeting.

Present: Regan, Blackert, DeBerry, Holbrook, Neal, Small and Burns.

Absent and excused: Hopkins, Hill, Stone and Van Zandt.

S. B. No. 268 was reported favorably by viva voce vote.

S. B. No. 285 was reported favorably by viva voce vote with recommendation that it be printed.

ORVALEA WILLBANKS, Secretary.

Minutes of Committee on Agricultural Affairs, Held February 26, 1935. Regular Meeting.

February 26, 1935.

Present: DeBerry, Sulak, Small, Poage, Duggan, Van Zandt and Hill.

Absent: Beck, excused; Hughston, excused; Stone and Neal.

S. B. No. 240 postponed until next meeting.

S. B. No. 329 set for open hearing next meeting.

H. C. R. No. 30 referred to subcommittee for redrafting of Poage, Sulak and Van Zandt.

DICK DeBERRY, Secretary.



# In Memoriam

## Dr. Stockton Axson

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(Houston Chronicle)

### Senate Resolution No. 55

Dr. Stockton Axson, 67, professor of English literature at Rice Institute, brother-in-law of the late President Woodrow Wilson and a prominent figure in Houston literary circles for nearly a quarter of a century, died at 12:20 P. M. Tuesday at Memorial Hospital.

Death was caused by cerebral hemorrhage.

Dr. Axson was taken to the hospital at 7 P. M. Monday after he suffered a stroke at his home in the Rice Hotel.

Within recent years Dr. Axson's activities, aside from teaching at Rice Institute, have consisted mainly of lectures to groups interested in literary subjects. At times the invitations to lecture have been too numerous to fill.

He confined himself to the acceptance of invitations from those whom he felt would be most interested in the works of the greatest writers of poetry and prose. Through the medium of his Shakespearean lectures he won an enviable reputation for insight into the creations of the great English dramatist.

In the declining years of his life Dr. Axson turned more to the subject of Woodrow Wilson. Many looked to him, as a brother-in-law of the war president, to interpret and enlarge upon the political theories of Wilson.

The doctor lived a quiet, bachelor life, and preferred personal contacts with those of his circle of intimate friends.

He is survived by his sister, Mrs. Edward Elliott of Beverly Hills, California, and two nieces, Mrs. William Gibbs McAdoo of California and Miss Margaret Wilson of New York City. Funeral arrangements will be announced by the Settegast-Kopf Company.

The educator had been ill several times recently. He had suffered one previous stroke but it was minor and he returned to his normal activity.

Last fall, Dr. Axson suffered a fall near the Southern Pacific Station and injured his left arm. The fall occurred while Dr. Axson was taking a usual Sunday afternoon stroll.

At that time Dr. Axson told friends that he likely had walked too far and that his strength failed.

One of the City's foremost cultural clubs, the Axson Club, was named after Dr. Axson. It was organized on March 12, 1917, and met every Tuesday morning at 10 o'clock at Warwick Hotel, where addresses were heard by Dr. Axson, when possible, and other notables in the field of literature.

President Edgar Odell Lovett of Rice Institute was in the North, Tuesday. News of Dr. Axson's death was telegraphed to him.

Dr. Axson was much admired by students as an intensely human educator. Held in the highest esteem by the States intelligentsia, he basked in the sunshine of many warm friendships.

### **Came to Rice in 1914.**

Dr. Axson joined the faculty of Rice Institute in 1914 and later was made head of the English Department. He became a recognized Shakespearean authority, but when the United States entered the World War he temporarily dropped consideration of Elizabethan matters for the more pressing concern of helping his brother-in-law's administration handle the problems inherent in the great conflict.

### **Red Cross Secretary.**

First he stumped for the Liberty Bonds. Next he became National Secretary of the Red Cross, with headquarters in Washington, but racing from coast to coast to direct mobilization of that organization's resources. There were long and difficult periods "on the road," many of them trying to a man who had jumped from cloistered intellectual pursuit into the white glare of such a great national endeavor.

In twenty-one months the American people gave to the Red Cross more than \$400,000,000 and 8,000,000 American women enlisted in the Service. The membership grew from about 500,000 until the Christmas "roll call" of 1918 showed 17,000,000 full-paid members with 9,000,000 junior members additional among the school children of the country.

### **Aided Army and Navy.**

This treasure of money and effort was devoted chiefly to assisting the army and navy of the United States in France, England, Archangel and Siberia, but it went, too, to civilian relief in Italy and Belgium and to refugee work in the Balkans and in Palestine, Syria and other districts of the Near East. Emergency hospital service in France, care and amusement of convalescents among the sick and wounded, and canteen service for the troops and sailors in actual service, were the principal activities, and led Surgeon General Ireland of the United States army to say:

"The Red Cross has been an enterprise as vast as the war itself. From the beginning it has done those things which the army medical corps wanted done, but could not do itself."

### **Back to Houston.**

Mobilization of the home resources and forces back of this work was the task of Dr. Axson and it kept him busy for many weary months. But September, 1918, found him in Europe, where he joined H. P. Davidson, President of the Red Cross. Together, they made what they called a "visitation" survey of the Italian front. For six weeks, then, they were in Paris at allied headquarters of the Red Cross. They made trips to the French front, but influenza robbed Dr. Axson of the opportunity of going into Belgium.

After the war Dr. Axson wanted to return to Rice Institute, but the Red Cross had not done with him. In April, 1919, he was made a delegate to the proposed international Red Cross congress at Geneva. The conference being canceled, he was appointed general secretary of the new Red Cross League until the permanent secretary could take up the work. Finally, he was permitted to return to America, but only after he had refused an invitation to remain permanently with the international organization.

### **Born in Georgia.**

Dr. Axson was born in Rome, Ga., on June 6, 1867, the son of a Presbyterian pastor and the grandson of two such ministers. He always attributed his scholastic attainments to a chance visit to his

aunt's home in Georgia. Theretofore, as a youth, he had read solely from dime novels and adventure stories, but in the aunt's home he chanced upon Milton's "Paradise Lost." He became engrossed in that, his first brush with literature.

"That," he explained, "was the birth of an urge which was to pull me back to school after I had served two years as an assistant cotton warehouseman. It never left me."

#### Devotee of Wilson.

The death of President Wilson took something vital, friends said, from Dr. Axson's life. From young manhood, when Mr. Wilson was wooing his sister, the professor literally had been wrapped up in the professor-statesman. Together they spent their vacations, even during the Wilson administration, and, once, in their earlier days they had gone on a walking tour of England.

Through high tide and low tide of the President's fortunes Dr. Axson was with him—at Paris in the post-war peace conference; again during the President's last illness. In those latter days the brother-in-law read to the former president, hour on end. Golfing once was one of their popular recreations, but Dr. Axson gave up the game after Mr. Wilson's death.

Upon his return to Houston, after sitting in the intimate inside circle of some of the most stirring scenes in the republic's history, Dr. Axson wrapped himself in his quiet work at Rice Institute. He lived alone in a downtown hotel.

#### Studied Under Wilson.

Dr. Axson, in his early school days, had to go to Savannah, Ga., to study, for there were no public schools available elsewhere. After Savannah, he entered Davidson College, Davidson, N. C. He spent a year there; then worked two years for his uncle in the cotton industry. He declined a junior partnership and entered the University of Georgia.

Two years there and Mr. Wilson, then an instructor at Wesleyan University, Middletown, Conn., persuaded him to transfer to that old New England school. Young Axson won bachelor's and master's degrees at Wesleyan and acquired a Phi Beta Kappa key in the process.

He was separated from Mr. Wilson for a time then, spending two years in post graduate work at Johns Hopkins University, Baltimore, teaching awhile in the University of Vermont and serving as staff lecturer for the American Society for the Extension of University Teaching. He taught, too, at Adelphi College, Brooklyn, for a time.

#### Goes to Princeton.

Then in 1899 Dr. Axson followed Mr. Wilson to Princeton. There for 15 years he held the title of professor of English. In 1914 he went to Rice, teaching, at first only five months in the year. The war came on; he took up his service work, completed it and returned to suffer a breakdown in 1923 which incapacitated him for two years. Recovered, he plunged once more into his work, becoming a full-time professor.

Dr. Axson held honorary doctorates from Wesleyan and Pittsburgh universities and Knox College of Galesburg, Ill. His social fraternity was Kappa Alpha (Southern).

The above tribute to Dr. Stockton Axson, late of the Rice Institute in Houston, published in the Houston Chronicle on February 27, 1935, strikingly illustrates the life and character of this good man, and moves this Senate to note his passing with sorrow; therefore be it

RESOLVED, That in the passing of Dr. Axson, the Senate of Texas mourns the loss of a great citizen, whom it regarded as one of our outstanding educators and leaders in the public life of Texas; and be it further

RESOLVED, That a copy of this tribute by the Chronicle be adopted by the Senate as an expression of our feelings; that it be printed in the Senate Journal and a copy of this tribute be mailed to each member of his family, and that when the Senate adjourns for the day, it do so in his honor.

Senator Moore requested the names of all the Senators be added.

HOLBROOK,  
BECK,  
BLACKERT,  
BURNS,  
COLLIE,  
COTTEN,  
DAVIS,  
DEBERRY,  
DUGGAN,  
FELLBAUM,  
HILL,

HOPKINS,  
HORNSBY,  
HUGHSTON,  
MARTIN,  
MOORE,  
NEAL,  
ONEAL,  
PACE,  
POAGE,  
RAWLINGS,  
REDDITT,

REGAN,  
SANDERFORD,  
SHIVERS,  
SMALL,  
STONE,  
SULAK,  
VAN ZANDT,  
WESTERFELD,  
WOODRUFF,  
WOODUL, Lt.-Gov.

S. R. No. 55 adopted by a rising vote.